

1 Honorable Benjamin H. Settle
2 Hearing Location: Tacoma
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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 TACOMA DIVISION

10 NICHOLAS CHRISTOFORO, an infant, by
11 and through his mother and next friend,
12 Jessica Christoforo,

13 and

14 JESSICA CHRISTOFORO,

15 and

16 JAMES CHRISTOFORO,

17 Plaintiffs,

18 v.

19 UNITED STATES OF AMERICA,

20 Defendant.

21 NO: 3:04-cv-05462-BHS

22 ORDER APPROVING TRUSTEE'S
23 ANNUAL ACCOUNTING

24 NOTE ON MOTION CALENDAR:
SEPTEMBER 13, 2024

WITHOUT ORAL ARGUMENT

17 THIS MATTER having come on regularly for hearing before The Honorable
18 Benjamin H. Settle on the date shown below upon the Petition of Trustee for the entry of an
19 order approving its annual accounting and fees, filed by Wells Fargo Bank, N.A., Trustee of
20 the Nicholas Christoforo Reversionary Special Needs Trust, u/a dtd March 30, 2006 ("Trust"),
21 the Trustee being represented by Aiken, St. Louis & Siljeg, P.S., and the Court having
22 considered the Petition, the Trustee's Annual Accounting, and being fully advised in the
23 premises, Now Therefore, the Court Makes the Following:

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ORDER APPROVING TRUSTEE'S
ANNUAL ACCOUNTING - 1
Cause No.: 3:04-cv-05462-BHS
(chrir.001; 6885-0) Order Annual Accounting [2023-2024].doc

AIKEN, ST. LOUIS & SILJEG, P.S.
ATTORNEYS AT LAW
801 SECOND AVENUE
SUITE 1200
SEATTLE, WASHINGTON 98104
(206) 624-2650/FAX (206) 623-5764

I. FINDINGS OF FACT

1.1 **Jurisdiction.** The facts alleged in the Petition of Trustee for Order Approving Annual Accounting and Fees, and the Trustee's Annual Accounting are true and include all of the facts necessary to give the Court jurisdiction over this matter.

1.2 Acts of Trustee. It appears to the Court that all acts required of the Trustee have been performed and are valid and proper. The expenses incurred for the period May 1, 2023 through April 30, 2024 are reasonable and necessary and within the terms and purpose of the Trust.

1.3 Correctness of Annual Accounting. It appears to the Court that the accounting submitted by the Trustee is correct.

1.4 Guardian ad Litem Report. The guardian ad litem completed his investigation and recommends approval of the annual accounting.

1.5 **Notice.** Notice of the hearing on this matter has been properly provided to the parties entitled to receive such notice.

1.6 Trustee Fees. The fees charged by Wells Fargo Bank, N.A., as Trustee, are reasonable and necessary for the administration of the Trust.

1.7 Legal Fees and Costs. The fees incurred by Aiken, St. Louis & Siljeg, P.S. as the attorneys for the Trustee are reasonable and necessary for the administration of the Trust.

II. CONCLUSIONS OF LAW

2.1 Jurisdiction. The Court has retained jurisdiction over the parties and the subject matter of this trust proceeding.

2.2 Approval of Accounting. The Court should enter an Order approving the accounting and all acts of the Trustee for the period from May 1, 2023 through April 30, 2024.

1 Based on the foregoing Findings of Fact and Conclusions of Law, the Court makes the
2 following:

3 **III. ORDER**

4 **3.1 Approval of Accounting of Trustee.** The accounting of Wells Fargo Bank,
5 N.A., the Trustee of the Nicholas Christoforo Reversionary Special Needs Trust, u/a dtd
6 March 30, 2006, and all of the Trustee's accounts, actions, investments, and expenditures set
7 forth in the accounting for the period from May 1, 2023 through April 30, 2024 are approved.

8 **3.2 Approval of Fees of Trustee.** The Trustee shall receive reasonable
9 compensation for services pursuant to its published fee schedule, and is authorized to deduct
10 the same, as well as all other expenses and costs of administration, from the funds in its
11 hands. The fees of Wells Fargo Bank, N.A., as Trustee of the Nicholas Christoforo
12 Reversionary Special Needs Trust, u/a dtd March 30, 2006 for the period from May 1, 2023
13 through April 30, 2024 in the total amount of \$47,653.53 are approved. The payment of the
14 approved fees and costs from the assets of the Trust shall be and hereby is ratified.

15 **3.3 Approval of Legal Fees.** The fees and costs of Aiken, St. Louis & Siljeg, P.S.
16 that were incurred during the period from August 31, 2023 through August 7, 2024 in the total
17 amount of \$2,884.40 are approved as reasonable and necessary for the administration of the
18 Trust, and the Trustee is directed to pay its attorneys' fees and costs from the assets of the
19 Trust as incurred, subject to approval at the next annual accounting.

20 **3.4 Approval of Guardian ad Litem Fees and Costs.** The fees and costs of the
21 guardian ad litem, Craig E. Coombs, in the amount of \$910.00 for his review of the Trustee's
22 annual accounting for the period from May 1, 2023 through April 30, 2024 are approved as
23 reasonable and necessary and shall be paid from the assets of the Trust.

3.5 Next Reporting Deadline. The deadline for filing the Trustee's next annual accounting is July 30, 2025. That accounting shall cover the period from May 1, 2024 through April 30, 2025.

DATED this 17th day of September, 2024.

BENJAMIN H. SUTTELL
United States District Judge

Presented by:

AIKEN, ST. LOUIS & SILJEG, P.S.

By /s/Richard L. Furman Jr.

Richard L. Furman Jr., WSBA No. 31101
Attorneys for Trustee

Approved for entry; copy received:

UNITED STATES ATTORNEY'S OFFICE

Bv

Kristin B. Johnson, WSBA No. 28189
Attorneys for United States of America

By

Craig E. Coombs, WSBA No. 9236
Guardian ad Litem

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